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7 | Attorneys for Defendant
JASON EDWARD THOMAS CARDIFF

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

11 UNITED STATES OF AMERICA,
12 Plaintiff,
13 vs.
14 JASON EDWARD THOMAS
15 CARDIFF,
Defendant.

Case No. 5:23-CR-00021-JGB

**DECLARATION OF STEPHEN G.
LARSON IN SUPPORT OF
MOTION TO DISMISS
INDICTMENT WITH PREJUDICE**

[Filed concurrently with Motion to Dismiss Indictment with Prejudice; Declaration of Jason Cardiff; and [Proposed] Order]

Date: May 6, 2024
Time: 2:00 p.m.
Courtroom: 1

**[REDACTED VERSION OF DOCUMENT FILED
CONDITIONALLY UNDER SEAL]**

1 **DECLARATION OF STEPHEN G. LARSON**

2 I, Stephen G. Larson, declare as follows:

3 1. I am a partner with Larson LLP, attorneys of record for Defendant
4 JASON EDWARD THOMAS CARDIFF. I have personal knowledge of the facts
5 set forth herein. If called as a witness, I could and would competently testify to the
6 matters stated herein. I make this declaration based in support of Defendant Jason
7 Cardiff's Motion to Dismiss Indictment with Prejudice.

8 2. A true and correct summary of a sample of communications between
9 the Receiver, United States Postal Service ("USPIS"), Federal Trade Commission
10 ("FTC"), Department of Justice ("DOJ"), and/or the United States Attorney's Office
11 between July 17, 2018 and October 2, 2022 is attached hereto as **Exhibit 1**.

12 3. A true and correct copy of an [REDACTED]
13 [REDACTED] with attachment removed, produced by the Government as Bates
14 Number GOV005_00000495, is attached hereto as **Exhibit 2**.

15 4. A true and correct copy of a [REDACTED]
16 [REDACTED]
17 [REDACTED]
18 produced by the Government as Bates Number GOV005_00000376, is attached
19 hereto as **Exhibit 3**.

20 5. A true and correct copy of an [REDACTED]
21 [REDACTED] produced by the Government as Bates
22 Number GOV005_00000475, is attached hereto as **Exhibit 4**.

23 6. A true and correct copy of a [REDACTED]
24 [REDACTED] produced by the Government as Bates Number GOV005_00000378, is
25 attached hereto as **Exhibit 5**.

26 7. A true and correct copy of an [REDACTED]
27 [REDACTED], produced by the Government as Bates Number GOV005_00000498,
28 is attached hereto as **Exhibit 6**.

1 8. A true and correct copy of an [REDACTED]
2 [REDACTED] produced by the Government as Bates Number GOV005_00000539, is
3 attached hereto as **Exhibit 7**.

4 9. A true and correct copy of [REDACTED]
5 [REDACTED], produced by the Government as Bates Number GOV005_00000507,
6 is attached hereto as **Exhibit 8**.

7 10. A true and correct copy of [REDACTED]
8 [REDACTED], produced by the Government as Bates Number GOV005_00000509,
9 is attached hereto as **Exhibit 9**.

10 11. A true and correct copy of [REDACTED]
11 [REDACTED] produced by the Government as Bates Number
12 GOV_MOI_001552–53, is attached hereto as **Exhibit 10**.

13 12. A true and correct copy of the FTC’s Complaint for Permanent
14 Injunction and Other Equitable Relief filed on October 10, 2018 in *Federal Trade
15 Commission v. Jason Cardiff et al.*, Case No. 5:18-cv-02104-DMG-PLA in the
16 United States District Court for the Central District of California (“FTC Action”) at
17 ECF No. 1 is attached hereto as **Exhibit 11**.

18 13. A true and correct copy of an [REDACTED]
19 [REDACTED] produced by the Government as Bates Number
20 GOV005_00000424, is attached hereto as **Exhibit 12**.

21 14. A true and correct copy of the FTC’s *Ex Parte* Temporary Restraining
22 Order with Asset Freeze, Appointment of a Temporary Receiver, and Other
23 Equitable Relief, and Order to Show Cause Why a Preliminary Injunction Should
24 Not Issue filed on October 10, 2018 in the FTC Action at ECF No. 29 is attached
25 hereto as **Exhibit 13**.

26 15. A true and correct copy of an excerpt of the Receiver Robb Evans &
27 Associates LLC’s (“Receiver”) Declarations of Brick Kane and Craig A. Welin in
28 Support of Application for Order Approving and Authorizing Payment of Receiver’s

1 Counsel's Fees and Expenses for the Period from Inception of Receivership Estate
2 Through November 30, 2018; Memorandum of Points and Authorities filed on
3 January 7, 2019 in the FTC Action at ECF No. 81-1 is attached hereto as **Exhibit**
4 **14.**

5 16. A true and correct copy of an [REDACTED]
6 [REDACTED] produced by the Government as Bates Number
7 GOV005_00000425, is attached hereto as **Exhibit 15.**

8 17. A true and correct copy of a [REDACTED]
9 [REDACTED] produced by the Government as Bates Number
10 GOV_MOI_001092-93, is attached hereto as **Exhibit 16.**

11 18. A true and correct copy of the FTC's Preliminary Injunction with Asset
12 Freeze, Receiver, and Other Equitable Relief Against Jason Cardiff and Eunjung
13 Cardiff filed on November 8, 2018 in the FTC Action at ECF No. 59 is attached
14 hereto as **Exhibit 17.**

15 19. A true and correct copy of an [REDACTED]
16 [REDACTED] produced by the Government as Bates Number GOV005_00000513,
17 is attached hereto as **Exhibit 18.**

18 20. A true and correct copy of the Receiver's Notice of Application and
19 Application for Order Approving and Authorizing Payment of Receiver's Counsel's
20 Fees and Expenses for the Period from Inception of Receivership Estate Through
21 November 30, 2018; Memorandum of Points and Authorities filed in the FTC
22 Action at ECF No. 81 is attached hereto as **Exhibit 19.**

23 21. A true and correct copy of an [REDACTED]
24 [REDACTED] produced by the Government as Bates Number
25 GOV005_00000453, is attached hereto as **Exhibit 20.**

26 22. A true and correct copy of an [REDACTED]
27 [REDACTED] produced by the Government as Bates Number GOV005_00000451, is
28 attached hereto as **Exhibit 21.**

1 23. A true and correct copy of an [REDACTED]
2 [REDACTED] produced by the Government as Bates Number GOV005_00000448, is
3 attached hereto as **Exhibit 22**.

4 24. A true and correct copy of an [REDACTED]
5 [REDACTED] produced by the Government as Bates Number GOV005_00000426, is
6 attached hereto as **Exhibit 23**.

7 25. A true and correct copy of an [REDACTED]
8 [REDACTED]
9 [REDACTED] produced by the Government as
10 Bates Number GOV005_00000477, is attached hereto as **Exhibit 24**.

11 26. A true and correct transcript of a [REDACTED]
12 [REDACTED] produced by the Government as Bates Number
13 GOV005_00000579, is attached hereto as **Exhibit 25**.

14 27. A true and correct copy of the Joint Motion for Protective Order filed
15 on September 23, 2019 in the FTC Action at ECF No. 218 is attached hereto as
16 **Exhibit 26**.

17 28. A true and correct copy of the Stipulated Protective Order filed on
18 September 24, 2019 in the FTC Action at ECF No. 219 is attached hereto as **Exhibit**
19 **27**.

20 29. A true and correct copy of an [REDACTED]
21 [REDACTED] produced by the Government as Bates Number
22 GOV005_00000061, is attached hereto as **Exhibit 28**.

23 30. A true and correct copy of a [REDACTED]
24 [REDACTED]
25 [REDACTED]
26 [REDACTED] produced by the Government as Bates Number GOV005_00000375, is
27 attached hereto as **Exhibit 29**.

1 31. A true and correct copy of an [REDACTED]
2 produced by the Government as Bates Number GOV005_00000377, is attached
3 hereto as **Exhibit 30**.

4 32. A true and correct copy of an [REDACTED]
5 [REDACTED] produced by the
6 Government as Bates Number GOV005_00000086, is attached hereto as **Exhibit**
7 **31**.

8 33. A true and correct copy of [REDACTED]
9 [REDACTED] produced by the
10 Government as Bates Number GOV005_00000063, is attached hereto as **Exhibit**
11 **32**.

12 34. A true and correct copy of an [REDACTED]
13 [REDACTED] produced by the
14 Government as Bates Number GOV005_00000121, is attached hereto as **Exhibit**
15 **33**.

16 35. A true and correct copy of an [REDACTED]
17 [REDACTED] produced by the Government as Bates Number
18 GOV005_00000073, is attached hereto as **Exhibit 34**.

19 36. A true and correct copy of an [REDACTED]
20 [REDACTED] produced by the Government as Bates Number
21 GOV005_00000155, is attached hereto as **Exhibit 35**.

22 37. A true and correct copy of an [REDACTED]
23 [REDACTED], produce by the Government as Bates Number
24 GOV005_00000096, is attached hereto as **Exhibit 36**.

25 38. A true and correct copy of a [REDACTED]
26 [REDACTED] produced by the Government a Bates Number
27 GOV005_00000131, is attached hereto as **Exhibit 37**.

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1 39. A true and correct copy of [REDACTED]
2 [REDACTED] produced by the Government as Bates Number
3 GOV005_00000002, is attached hereto as **Exhibit 38**.

4 40. A true and correct copy of an [REDACTED]
5 [REDACTED]
6 produced by the Government as Bates Number GOV005_00000038, is attached
7 hereto as **Exhibit 39**.

8 41. A true and correct copy of a [REDACTED]
9 [REDACTED], produced by the Government as Bates Number GOV_MOI_000972,
10 is attached hereto as **Exhibit 40**.

11 42. A true and correct copy of an [REDACTED]
12 [REDACTED] produced by the Government as Bates Number GOV005_00000199, is
13 attached hereto as **Exhibit 41**.

14 43. A true and correct copy of an [REDACTED]
15 [REDACTED]
16 produced by the Government as Bates Number GOV005_00000005, is attached
17 hereto as **Exhibit 42**.

18 44. A true and correct copy of an [REDACTED]
19 [REDACTED] produced by the Government as Bates Number
20 GOV005_00000168, is attached hereto as **Exhibit 43**.

21 45. A true and correct copy of an [REDACTED]
22 [REDACTED] produced by the Government as Bates Number
23 GOV005_00000198, is attached hereto as **Exhibit 44**.

24 46. A true and correct copy of an [REDACTED]
25 [REDACTED] produced
26 by the Government as Bates Number GOV005_00000006, is attached hereto as
27 **Exhibit 45**.
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1 47. A true and correct copy of an [REDACTED]
2 [REDACTED] produced by the Government
3 as Bates Number GOV005_00000565, is attached hereto as **Exhibit 46**.

4 48. A true and correct copy of an [REDACTED]
5 [REDACTED] produced by the Government as Bates Number
6 GOV005_00000191, is attached hereto as **Exhibit 47**.

7 49. A true and correct copy of an excerpt of Cardiff's *Ex Parte* Opposed
8 Application to Remove Receiver or to Direct Receiver to Continue VPL Medical,
9 Inc.'s Operations and Pay Vendors and Critical Staff filed on July 13, 2020 in the
10 FTC Action at ECF No. 391 is attached hereto as **Exhibit 48**.

11 50. A true and correct copy of the FTC's Opposition to Defendant Jason
12 Cardiff and Non-Party VPL Medical Inc.'s *Ex Parte* Application to Remove
13 Receiver or to Direct Receiver to Continue VPL Medical Inc.'s Operations and Pay
14 Vendors and Critical Staff filed on July 14, 2020 in the FTC Action at ECF No. 395
15 is attached hereto as **Exhibit 49**.

16 51. A true and correct copy of an [REDACTED]
17 [REDACTED] produced by the Government as
18 Bates Number GOV005_00000190, is attached hereto as **Exhibit 50**.

19 52. A true and correct copy of the Order Denying Defendant Jason Cardiff
20 and Intervenor VPL Medical Inc.'s *Ex Parte* Application to Remove Receiver or to
21 Direct Receiver to Continue VPL Medical, Inc.'s Operations and Pay Vendors and
22 Critical Staff [391] filed on July 16, 2020 in the FTC Action at ECF No. 403 is
23 attached hereto as **Exhibit 51**.

24 53. A true and correct copy of an [REDACTED]
25 [REDACTED] produced by the Government as Bates
26 Number GOV005_00000233, is attached hereto as **Exhibit 52**.

27 54. A true and correct copy of a [REDACTED]
28 [REDACTED] produced by

1 the Government as Bates Number GOV001_00010766–71, is attached hereto as
2 **Exhibit 53.**

3 55. A true and correct copy of a [REDACTED]
4 [REDACTED], produced
5 by the Government as Bates Number GOV001_00001876–82, is attached hereto as
6 **Exhibit 54.**

7 56. A true and correct copy of a [REDACTED]
8 [REDACTED]
9 produced by the Government as Bates Number GOV001_00014341–45, is attached
10 hereto as **Exhibit 55.**

11 57. A true and correct copy of a [REDACTED]
12 [REDACTED] produced by the
13 Government as Bates Number GOV001_00002003–23, is attached hereto as
14 **Exhibit 56.**

15 58. A true and correct copy of [REDACTED]
16 [REDACTED] produced by the
17 Government as Bates Number GOV001_00002203–26, is attached hereto as
18 **Exhibit 57.**

19 59. A true and correct copy of [REDACTED]
20 [REDACTED] produced by the
21 Government as Bates Number GOV001_00010849–69, is attached hereto as
22 **Exhibit 58.**

23 60. A true and correct excerpt of a [REDACTED]
24 [REDACTED] produced by the Government as Bates Number
25 GOV001_00011061–62, is attached hereto as **Exhibit 59.**

26 61. A true and correct copy of an [REDACTED]
27 [REDACTED], produced by the Government
28 as Bates Number GOV005_00000201, is attached hereto as **Exhibit 60.**

1 62. A true and correct copy of an [REDACTED]
2 [REDACTED] produced by the
3 Government as Bates Number GOV005_00000018, is attached hereto as **Exhibit**
4 **61.**

5 63. A true and correct copy of an [REDACTED]
6 [REDACTED]
7 produced by the Government as Bates Number GOV005_00000051, is attached
8 hereto as **Exhibit 62.**

9 64. A true and correct copy of an [REDACTED]
10 [REDACTED] produced by the
11 Government as Bates Number GOV005_00000020, is attached hereto as **Exhibit**
12 **63.**

13 65. A true and correct copy of a [REDACTED]
14 [REDACTED], produced by the Government as Bates Number
15 GOV005_00000140, is attached hereto as **Exhibit 64.**

16 66. A true and correct copy of the Receiver's Declarations of Brick Kane
17 and Michael Gerard Fletcher in Support of Application for Order Approving and
18 Authorizing Payment of Receiver's and Receiver's Counsel's Fees and Expenses for
19 the Period from October 1, 2019 through June 30, 2020 filed on September 2, 2020
20 in the FTC Action at ECF No. 479-1 is attached hereto as **Exhibit 65.**

21 67. A true and correct copy of an [REDACTED]
22 [REDACTED] produced by the Government as Bates Number
23 GOV005_00000186, is attached hereto as **Exhibit 66.**

24 68. A true and correct copy of an [REDACTED]
25 [REDACTED] produced by the Government as Bates Number
26 GOV005_00000182, is attached hereto as **Exhibit 67.**

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1 69. A true and correct copy of In Chambers—Order re Cross-Motions for
2 Summary Judgment [423, 441] filed on October 9, 2020 in the FTC Action at ECF
3 No. 511 is attached hereto as **Exhibit 68**.

4 70. A true and correct copy of an [REDACTED]
5 [REDACTED] produced by the Government as Bates Number
6 GOV005_00000117, is attached hereto as **Exhibit 69**.

7 71. A true and correct copy of a [REDACTED]
8 [REDACTED] produced by the Government as Bates Number
9 GOV005_00000144, is attached hereto as **Exhibit 70**.

10 72. A true and correct copy of the Receiver’s Declarations of Brick Kane
11 and Michael Gerard Fletcher in Support of Application for Order Approving and
12 Authorizing Payment of Receiver’s and Receiver’s Counsel’s Fees and Expenses for
13 the Period from July 1, 2020 through October 31, 2020 filed on January 8, 2021 in
14 the FTC Action at ECF No. 537-1 is attached hereto as **Exhibit 71**.

15 73. A true and correct copy of an [REDACTED]
16 [REDACTED] produced by the Government as Bates Number
17 GOV005_00000181, is attached hereto as **Exhibit 72**.

18 74. A true and correct copy of an [REDACTED]
19 [REDACTED] produced by the Government as Bates Number
20 GOV005_00000029, is attached hereto as **Exhibit 73**.

21 75. A true and correct copy of an [REDACTED]
22 [REDACTED] produced by the Government
23 as Bates Number GOV005_00000266, is attached hereto as **Exhibit 74**.

24 76. A true and correct copy of a [REDACTED]
25 [REDACTED] produced by the Government as Bates Number GOV_MOI_000310, is
26 attached hereto as **Exhibit 75**.

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1 77. A true and correct copy of a [REDACTED]
2 [REDACTED] produced by the Government as Bates Number
3 GOV001_00029793–29811, is attached hereto as **Exhibit 76**.

4 78. A true and correct copy of In Chambers—Order re Remedies in
5 Plaintiff’s Motion for Summary Judgment [423] and Jason and Eunjung Cardiff’s
6 Motion for Summary Judgment [441] filed on June 29, 2021 in the FTC Action at
7 ECF No. 627 is attached hereto as **Exhibit 77**.

8 79. A true and correct copy of an [REDACTED]
9 [REDACTED], produced by the Government as Bates Number GOV005_00000290,
10 is attached hereto as **Exhibit 78**.

11 80. A true and correct copy of a [REDACTED]
12 [REDACTED], produced by the Government as Bates Number GOV_MOI_001077–91, is
13 attached hereto as **Exhibit 79**.

14 81. A true and correct copy of a [REDACTED]
15 [REDACTED] produced by the Government as
16 Bates Number GOV_MOI_001794–95, is attached hereto as **Exhibit 80**.

17 82. A true and correct copy of In Chambers—Order Setting Dates for
18 Briefing Schedule and Rescheduling Status Conference filed August 26, 2021 in the
19 FTC Action at ECF No. 650 is attached hereto as **Exhibit 81**.

20 83. A true and correct copy of the FTC’s [Proposed] Final Judgment
21 Including Permanent Injunction as to Jason Cardiff and Eunjung Cardiff and
22 [Proposed] Default Judgment Including Permanent Injunction as to the Corporation
23 Defendants, Pursuant to the Court’s August 26, 2021 Order filed on September 3,
24 2021 in the FTC Action at ECF No. 651 is attached hereto as **Exhibit 82**.

25 84. A true and correct copy of an [REDACTED]
26 [REDACTED], produced by the Government as Bates Number
27 GOV005_00000285, is attached hereto as **Exhibit 83**.

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1 85. A true and correct copy of Final Judgment Including Permanent
2 Injunction as to Defendants Jason Cardiff and Eunjung Cardiff filed on March 1,
3 2022 in the FTC Action at ECF No. 706 is attached hereto as **Exhibit 84**.

4 86. A true and correct copy of the Receiver's (1) Receiver's Final Report
5 and Accounting, and (2) Notice of Receiver's Final Fee Application and Final Fee
6 Application filed on September 14, 2022 in the FTC Action at ECF No. 715 is
7 attached hereto as **Exhibit 85**.

8 87. A true and correct copy of the Receiver's Declarations of Antia Jen and
9 Michael Gerard Fletcher in Support of the Receiver's Final Report and Accounting,
10 and the Receiver's Final Fee Application filed on September 14, 2022 in the FTC
11 Action at ECF No. 715-1 is attached hereto as **Exhibit 86**.

12 88. A true and correct copy of an [REDACTED]
13 [REDACTED], produced by the Government as Bates Number
14 GOV005_00000270, is attached hereto as **Exhibit 87**.

15 89. A true and correct copy of Order Approving the Receiver's Final
16 Report and Accounting, and the Receiver's Final Fee Application [715] filed on
17 September 30, 2022 in the FTC Action at ECF No. 716 is attached hereto as **Exhibit**
18 **88**.

19 90. A true and correct copy of an [REDACTED]
20 [REDACTED] produced by the Government as Bates Number
21 GOV005_00000269, is attached hereto as **Exhibit 89**.

22 91. A true and correct copy of Plaintiff's Memorandum in Support of its
23 Motion for Summary Judgment Against Defendants Jason Cardiff and Eunjung
24 Cardiff filed on August 6, 2020 in the FTC Action at ECF No. 423-2 is attached
25 hereto as **Exhibit 90**.

26 92. To date, the Government has produced over 17.8 million pages of
27 documents, and despite making a reasonable and diligent search of this production,
28 Larson LLP has not located the following data and tangible items: (a) the complete

1 content of Redwood’s Google Suite account (which would include Nest Cam
2 recordings from Redwood office spaces, sales call audio recordings, daily customer
3 sale log sheets, audit logs, and Google Hangout Chat data); (b) Redwood’s staff’s
4 daily meeting handwritten logbooks; (c) Redwood employee personnel files; and (d)
5 Cardiff’s handwritten notes stored in Redwood’s office. Notably, many of these
6 documents are handwritten and cannot be found via electronic searches.

7 93. On March 30, 2024, my firm emailed the Government specifically
8 asking whether certain items were provided in discovery or alternatively were in the
9 government's possession. On April 3, 2024, the Government explicitly answered the
10 question as to some of the items, but it did not specifically address the items listed in
11 Paragraph 92, instead directing our attention to two bates-stamp ranges in the
12 discovery, totaling approximately 13.5 million pages. On that same date, my firm
13 responded by email to the Government, reiterating our request for information
14 regarding the specific items listed in Paragraph 92. On April 8, 2024, the
15 Government responded by email that it was declining to provide any additional
16 information.

18 I declare under penalty of perjury under the laws of the United States of
19 America that the foregoing is true and correct.

20 || Executed on this 8th day of April, 2024, at Los Angeles, California.

S. G. Sauer

Stephen G. Larson